

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

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STATE OF TEXAS,

*Plaintiff,*

v.

UNITED STATES OF AMERICA, *et al.*,

*Defendants.*

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Civ. Action No. 6:20-cv-00003

**ORDER FOR SUBMISSION OF THE ADMINISTRATIVE RECORD,  
DISCOVERY, EXTENDING TEMPORARY RESTRAINING ORDER,  
AND SETTING A BRIEFING SCHEDULE FOR A MOTION FOR  
PRELIMINARY INJUNCTION**

The Court's January 26 Order granting Texas a temporary restraining order ("TRO") directed the parties to propose a briefing and discovery schedule for its consideration of a future motion for preliminary injunction ("PI Motion"). ECF 16 at 17–18. In response, the parties submitted separate proposed briefing and discovery schedules. After carefully considering the submissions by the parties, the applicable law, and all matters properly before it, the Court finds that Texas is entitled to the administrative record (if any) and limited, relevant discovery; extends the TRO by 14 days; and sets forth a schedule for the submission of the administrative record and discovery and for the briefing of a PI Motion.

The Court **ORDERS** that Federal Defendants submit the following documents necessary to address the legal issues in this case to the Court and to Texas:

- (1) the relevant administrative record (if any), including anything the Federal Defendants claim is relevant to their decision set forth in the January 20 Memorandum;
- (2) the nationwide and Texas-specific statistical information requested by the Court, including
  - the number of people in custody for immigration violations;
  - the number currently subject to final deportation orders;
  - the number released from custody from January 20 to the present;
  - the number released from custody who do not return for their hearing (limited to the 2 years prior to the January 20 Memorandum);
  - the percentage of those subject to a final removal order who are actually removed (limited to the 2 years prior to the January 20 Memorandum); and
- (3) emails within the Department of Homeland Security (“DHS”) relating to policy implementation of the January 20 Memorandum, limited to communications from January 20 onward.

The Court also hereby exercises its authority under Fed. R. Civ. P. 65(b)(2) to extend the TRO by an additional 14 days to preserve the status quo and avoid irreparable harm while allowing for thorough briefing on the complex issues in this case in the context of a PI Motion, and to allow Federal Defendants adequate time to submit the administrative record and other information discussed above. Accordingly, the Court **ORDERS** that the temporary restraining order is, for good cause, **EXTENDED** by 14 days, and Federal Defendants are hereby **ENJOINED** from implementing, or giving any effect to, DHS’s January 20 Memorandum, ECF 1-2 at Ex. B, until **February 23, 2021**. Further, Texas’s need to give security is **WAIVED**. Fed. R. Civ. P. 65(c).

The Court further **ORDERS** the following schedule:

**February 4, 2021:** Defendants produce and file the administrative record (Category 1, listed above)

**February 8, 2021:** Texas's motion for preliminary injunction due

**February 12, 2021:** Defendants' submission of discovery to Texas (Categories 2 and 3, listed above)

**February 15, 2021:** Defendants' response in opposition due

**February 19, 2021:** Texas's reply in support due

**February 23, 2021:** Extended TRO expires; Court rules on PI Motion

It is SO ORDERED.

SIGNED this January 28, 2021 at \_\_: \_\_PM (CST).

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**DREW B. TIPTON**  
**UNITED STATES DISTRICT JUDGE**